

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION**

**IN RE: TODD MICHAEL JACKOVICH  
MANDY JEAN JACKOVICH  
DEBTORS**

**CASE NO. 04-04514-5-ATS**

**CHAPTER 13**

**MOTION FOR TURNOVER**

Now come the debtors, by and through counsel, pursuant to Sections 362 and 542 of the Bankruptcy Code and moves for an order requiring BB&T to turn over the debtors' 2004 Nissan Frontier. In support of this motion the debtors show the court the following.

1. The debtors filed the above captioned case on December 17, 2004. This is the debtors' first bankruptcy filing.
2. BB&T repossessed the debtors' 2004 Nissan Frontier on or about December 14, 2004.
3. Said automobile is necessary to the successful completion of the debtors' plan.
4. The debtors' chapter 13 plan proposes to pay BB&T the full value of the Nissan through payments to the chapter 13 trustee.
5. The debtors have provided proof of insurance to BB&T.
6. The turnover of this automobile would be in the best interest of all parties.

WHEREFORE, the debtors pray the Court as follows:

1. That the Court issue an Order directing the creditor, BB&T, to immediately turn over to the debtors the 2004 Nissan Frontier; and
2. For such other and further relief as the court deems just and proper.

Dated: 12/17/04

/s/ Travis Sasser  
Travis Sasser  
Attorney for debtors  
State Bar No. 26707  
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Cary, NC 27511  
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**NOTICE OF MOTION FOR TURNOVER**

TAKE NOTICE that a Motion for Turnover, a copy of which is attached hereto, has been filed against you in the above stated Court.

TAKE NOTICE FURTHER that pursuant to the Local Rules of the United States Bankruptcy Court for the Eastern District of North Carolina, you have fifteen (15) days from the date of this Notice of Motion to file a responsive pleading to the attached Motion. You must file your response with the Clerk, United States Bankruptcy Court, P.O. Box 1441, Raleigh, NC 27602-1441 with a copy to the undersigned. Any such responsive pleading must contain a request for a hearing if, indeed, you wish to be heard by the Court. Unless a hearing is specifically requested in a responsive pleading, the attached Motion may be determined and final Orders entered by the court without a hearing.

Dated: 12/17/04

/s/ Travis Sasser  
Travis Sasser  
Attorney for debtors  
State Bar No. 26707  
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Cary, NC 27511  
Tel: 919.319.7400  
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[tsasser@carybankruptcy.com](mailto:tsasser@carybankruptcy.com)

**CERTIFICATE OF SERVICE**

I, Travis Sasser of Cary, NC, certify:

That I am, and at all times hereinafter mentioned, was, more than eighteen (18) years of age;

That on the date stated, I served copies of the Motion for Turnover, postage prepaid, enclosed in an envelope which was properly addressed to the persons and entities listed below:

Chapter 13 Trustee  
PO Box 61039  
Raleigh, NC 27661

BB&T  
Attn: Managing Agent  
Bankruptcy Section  
Post Office Box 1847  
Wilson, NC 27894-1847

James S. Livermon, III, Esq.  
PO Box 353  
Rocky Mount, NC 27802

Todd and Mandy Jackovich  
1743 Ravenwing Drive  
Fuquay Varina, NC 27526-5315

I certify under penalty of perjury that the foregoing is true and correct.

Dated: 12/17/04

/s/ Travis Sasser  
Travis Sasser  
Attorney for debtors  
State Bar No. 26707  
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Cary, NC 27511  
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